

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LINUS EKENE,

Plaintiff,

v.

R. COOK, *et al.*,

Defendants.

Case No. 2:22-cv-01443-DJC-JDP (PC)

ORDER

DISREGARDING PLAINTIFF'S FILING

ECF Nos. 32 & 33

On August 28, 2023, the Clerk of Court closed this case pursuant to the parties' stipulated notice of voluntary dismissal. ECF No. 30. Plaintiff has since filed a motion to enforce a settlement agreement, ECF No. 32, and a request for court action on that motion, ECF No. 33. By way of these motions, plaintiff asks the court to enforce a settlement agreement that the parties reached independent of the court.¹ Since the parties settled this action without the court, the court lacks jurisdiction over the agreement.²

¹ Plaintiff attached to his motion the settlement agreement, which states that "CDCR will make a good-faith effort to pay the settlement amount. . . within 180 days from the date Plaintiff delivers to Defendants a signed settlement agreement, a notice of voluntary dismissal with prejudice, and all of the required Payee Data Forms." ECF No. 32 at 4. The stipulated notice of voluntary dismissal was signed by plaintiff on August 24, 2023. ECF No. 30. Assuming that plaintiff met the other requirements by August 24, the earliest date that the amount would be due is February 20, 2024.

² The Honorable Allison Claire held a settlement conference two months prior to the stipulated notice of voluntary dismissal, but the case did not settle at that time. ECF No. 28.

1 These filings do not constitute a proper request for relief from the voluntary dismissal of
2 this action. *See Kalt v. Hunter*, 66 F.3d 1002, 1004 (9th Cir. 1995) (“[A] voluntary dismissal . . .
3 is a judgment, order or proceeding from which Rule 60(b) relief can be granted.”). The filings
4 will therefore be disregarded. Plaintiff is notified that the court will not respond to future filings
5 in this action that are not authorized by the Federal Rules of Civil Procedure or the Federal Rules
6 of Appellate Procedure.

7 Accordingly, it is hereby ORDERED that plaintiff’s September 22, 2023 and October 23,
8 2023 filings, ECF Nos. 32 & 33, are disregarded.

9
10 IT IS SO ORDERED.

11 Dated: January 4, 2024


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE